

**INLAND WETLANDS AGENCY  
MEETING MINUTES**

**July 17, 2006**

**PRESENT:** Ken Braga, Margo Wheeler, Christine Murphy, Donald McConnell and alternate Jean Burns

**ABSENT:** Kim Flannery, Sanford Cohen and alternate Steve Hoffman

**STAFF**

**PRESENT:** Lisa Houlihan, ZEO/Wetland Agent and Kristin Michaud, Recording Secretary

**I. CALL TO ORDER:**

Chairman Braga called the Inland Wetlands Agency (IWA) meeting to order at 7:32 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT and read the legal notice into record.

**II. PUBLIC COMMENTS:**

James A. Thompson, Town Engineer, came forward with a notification for drainage work conducted in the area of existing drainage swales and culverts, by the Department of Public Works (DPW), to the north of Frog Hollow Road along Abbott Road. He noted the additional traffic occurring along Abbott Road because of a recently developing subdivision and the damage to area drainage systems from a major storm event last Fall. The DPW has completed the work meeting their obligation to fix these problems in a timely manner

**MOVED (BURNS), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO ACCEPT NOTIFICATION (#IW200614 – TOWN OF ELLINGTON) TO INSTALL ROADWAY DRAINAGE AND REPLACE CULVERT ALONG EXISTING GRAVEL ROAD ON PROPERTY LOCATED NORTH OF FROG HOLLOW ROAD.**

**MOVED (BURNS), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO ESTABLISH A POLICY THAT THE DPW NOTIFY THE WETLANDS AGENCY OF ANY DRAINAGE/CULVERT WORK TO BE CONDUCTED IN AREAS OF EXISTING DRAINAGE SWALES AND CULVERTS IN ADVANCE OF THE WORK BEING CONDUCTED.**

**III. PUBLIC HEARINGS:**

J. Burns recused herself from this item due to a conflict of interest and departed the meeting while this item was considered.

1. #IW200607 – Guy & Jean Burns for a permit to Conduct Regulated Activity within an Area of Influence to enclosed a section of an existing deck in order increase interior living space and to install a patio, retaining wall and landscaping on properties located on 8 & 9 Lake Lane, APNs 149-058-0000 & 149-059-0000.

**TIME:** 7:40

**SEATED:** D. McConnell, C. Murphy, K. Braga, M. Wheeler.

Chairman Braga read the Town Attorney's letter dated 7/17/06.

Attorney Kerensky of Kahan, Kerensky, & Capossela, came forward for the applicant. He paraphrased Attorney Ryan's letter and disagreed that the Wetlands Agency could not approve the wall proposed within the right-of-way and explained that this issue would be addressed under the purview of the Planning and Zoning Commission (PZC). He reviewed the map with the commission, stated that the proposed landscaping is not in the right-of-way, stated that the Town does not own or maintain Lake Lane, and noted that no work will occur directly to the wetlands, but only within the upland review area.

Attorney Kerensky stated that the Burns' own property on both side of the road and explained how they would be conveyed the area of the right-of-way in the case of abandonment.

Guy Burns of 9 Lake Lane, stated that his neighbors have no problem with this application and that they have seen the plan.

Ms. Houlihan questioned Attorney Kerensky as to the process for formally abandoning a road and noted that the PZC does not required review of the proposed improvements.

It was the consensus of the Commission that they do not have the authority to approve any improvements within the right-of-way without the consent of all the owners. Discussion ensued.

**MOVED (WHEELER), SECONDED (MURPHY) AND PASSED (J. BURNS – RECUSED) TO CLOSE THE PUBLIC HEARING FOR #IW200607—GUY & JEAN BURNS.**

**MOVED (MCCONNELL), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO APPROVE #IW200607—GUY & JEAN BURNS.**

**MOTION WITHDRAWN**

**MOVED (MCCONNELL), SECONDED (WHEELER) AND PASSED (J. BURNS – RECUSED) TO REOPEN THE HEARING #IW200607 – GUY & JEAN BURNS.**

**MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE AUGUST 21, 2006 MEETING #IW200607 – GUY & JEAN BURNS.**

2. #IW200609 – Charles Adams for a permit to Conduct Regulated Activity within an Area of Influence to lower and widen driveway on property located on 2 East Shore Road, APN 149-093-0000.

Mr. Adams was present to explain that he has contracted an engineer to provide a plan to the Commission, noting that such should be present for the next meeting.

**MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING TO THE AUGUST 21, 2006 MEETING FOR #IW200609—CHARLES ADAMS.**

**V. NEW BUSINESS:**

1. **MOVED (WHEELER), SECONDED (MURPHY) AND PASSED (J. BURNS – RECUSED) TO ADD TO THE AGENDA #IW200617 – MIDDLEFIELD ESTATES FOR NOTIFICATION OF CGS 8-26 WETLANDS REFERRAL WITH SUBDIVISION APPLICATION ON PROPERTY LOCATED ON MIDDLE ROAD, APN 043-007-0000.**

The Commission noted their recent approval granted for the drainage improvements associated with the proposed subdivision and questioned the validity of requiring a report to the PZC in accordance with CGS 8-26.

**ACTION ON THIS ITEM WAS TABLED.**

**BY CONSENSUS, THE COMMISSION RESUMED CONSIDERATION OF THIS ITEM.**

**BY CONSENSUS, THE COMMISSION RECEIVED CGS 8-26 NOTIFICATION OF #IW200617 – MIDDLEFIELD ESTATES AND REPORT SUCH TO THE PLANNING & ZONING COMMISSION.**

2. #IW200610 – Nutmeg Industrial Park, LLC for site plan modification to change paved parking areas to gravel parking areas on property located at 7 Nutmeg Drive, APN 017-022-0006.  
(Determination of significance and possible action)

**MOVED (WHEELER), SECONDED (MURPHY) AND PASSED (J. BURNS – RECUSED) TO MAKE A DETERMINATION OF NON-SIGNIFICANCE FOR #IW200610 – NUTMEG INDUSTRIAL PARK, LLC.**

**MOVED (WHEELER), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO APPROVE #IW200610 – NUTMEG INDUSTRIAL PARK, LLC.**

3. #IW200611 – Gary Mercier for a permit to Conduct Regulated Activity within an Area of Influence for lowering new dam on property located at 91 Sadds Mill Road, APN 088-023-0000.  
(Determination of significance and possible action)

Gary Mercier came forward to explain why he needed to lower the damn and how such would be conducted. They have replaced the damn once already.

**MOVED (MCCONNELL), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO APPROVE FOR #IW200611 – GARY MERCIER.**

4. #IW200613 – John & Jean Rourke for a permit to Conduct Regulated Activity within an Area of Influence to add a 10' x 4' addition to South East corner of house, an exterior circular staircase and to add a 6 x 6 addition and walk to the North West corner of house on property located at 139 West Shore Road, APN 169-013-0000. (RECEIPT ONLY)

**MOVED (WHEELER), SECONDED (MCCONNELL) AND PASSED UNANIMOUSLY TO RECEIVE #IW200613 – JOHN & JEAN ROURKE.**

5. #IW200612 – 12 Jobs Hill Road, LLC for a permit to Conduct Regulated Activity for a 6-lot subdivision on property located at 12 Jobs Hill Road, APN 072-001-0000. (RECEIPT ONLY)

**MOVED (BURNS), SECONDED (MURPHY) AND PASSED UNANIMOUSLY TO RECEIVE #IW200612 – 12 JOBS HILL ROAD, LLC.**

6. **MOVED (MURPHY), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA AND RECEIVE IW200616 – DARYL & RICK DECARLI FOR A PERMIT TO CONDUCT REGULATED ACTIVITY WITHIN AN AREA OF INFLUENCE TO CONSTRUCT TWO BARNS AND AN INDOOR RIDING ARENA IN AN AREA PREVIOUSLY GRAVELED AND NOW CONVERTED TO PADDOCK. (RECEIPT ONLY)**
7. **MOVED (WHEELER), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA AND RECEIVE IW200615 – JAMES GESSAY FOR A PERMIT TO CONDUCT REGULATED ACTIVITY WITHIN AN AREA OF INFLUENCE TO OPEN HAYFIELD. (RECEIPT ONLY)**

#### **IV. UNFINISHED BUSINESS:**

1. Discussion to establish deadline for completion of remediation work associated with Show Cause Hearing Regarding Cease and Desist Order, dated December 5, 2005 issued to Shepard Farms for violations within the Shepard Farms Subdivision on Windsorville Road, APN 014-008-0010, 014-008-0011, & 014-006-0015.

#### **NO MOTIONS OR DECISIONS MADE**

#### **V. ADMINISTRATIVE BUSINESS:**

1. Approval of the June 19, 2006 Meeting Minutes.

#### **MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO APPROVE THE JUNE 19, 2006 MEETING MINUTES.**

2. Review of Attendance Policy and attendance of currently appointed members.

Discussion ensued. It was noted that Ms. Flannery has expressed to the Planning Department her anticipated scheduling conflict. Of the nine members of the Commission (seven regular members and 2 alternates) it was noted that only four/five member consistently attend. Mr. Barber has not met the attendance obligations. It was discussed that resignation(s) of regular members may present the re-designation of alternate members to regular members. The Commission requested that administrative staff provide them with 2006 attendance records for review at their next meeting.

#### **NO MOTIONS OR DECISIONS MADE**

3. Correspondence:
  - a. Letter to Town of Ellington, Public Works Department from Ken Braga dated 7/10/06.
  - b. THE HABITAT, Spring 2006.

#### **SO NOTED**

#### **VI. ADJOURNMENT:**

#### **MOVED (MURPHY), SECONDED (WHEELER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:45 P.M.**

Respectfully Submitted

Kristin C. Michaud